

**REMARKS**

Claims 1-10, 22-30, and 41-57 are currently pending. The Office Action acknowledges that claims 44-47 contain allowable subject matter, but indicates that independent claims 1, 22, 41, and 57 are rejected as being obvious over Hayashi (GB 2,380,908) in view of Dowling (U.S. Pat. App. Pub. No. 2002/0038157), and in further view of newly cited Towell (U.S. Pat. No. 5,911,129). It is submitted, however, that none of the references teaches or suggests, alone or in combination, every element of the independent claims. Therefore, the pending claims are allowable over the cited art.

Beginning with claim 1, it is directed to a mobile communications device that activates and deactivates a complementary multi-media effect in time with the playback of an audio file. Specifically, a processor at the device calculates synchronizing information based on an analysis of the audio contents of an audio file. The processor then generates a pattern based on this synchronizing information. The generated pattern identifies when the complementary multi-media effect is activated/deactivated so that the complementary multi-media effect is rendered synchronously with the playback of the audio.

Claim 1 recites a controller configured to, "generate a pattern in which to render a complementary multi-media effect synchronously with the playback of the audio file based on the calculated synchronizing information." The Office Action acknowledges that the both Hayashi and Dowling fail to teach or suggest this limitation but alleges that Towell does. See *Office Action*, p. 3, ¶9. However, it is impossible for Towell to teach or suggest this limitation because Towell never mentions calculating anything, let alone synchronization information. In fact, the word "calculate" never appears anywhere in the entirety of Towell. Nor do the words "synchronize" and "synchronization." This is not surprising because Towell has nothing to do whatsoever with synchronizing complementary multi-media effects to an audio file, as claimed.

In contrast, Towell discloses a system and method for disguising a speaker's voice. *E.g.*, *Towell*, col. 1, ll. 17-19; col. 2, ll. 56-60; see also *Towell*, col. 3, ln. 21 – col. 4, ln. 14.

Towell provides a device that modifies a speaker's voice such that a listener cannot identify the true identity of the speaker upon playback of the modified voice. Regardless of how Towell performs voice conversion, this has nothing to do with the calculation of synchronization information, and nothing to do with generating a pattern based on such information. To contend otherwise is conclusory and unsupported by the references.

Towell does not teach or suggest a controller configured to, "generate a pattern in which to render a complementary multi-media effect synchronously with the playback of the audio file based on the calculated synchronizing information." Therefore, since none of the references alone teaches or suggests this limitation, any combination of the references also fails to teach or suggest this limitation. Therefore, claim 1 and its dependent claims are non-obvious over the references for at least this reason.

The above facts notwithstanding, the references also fail to render claim 1 obvious for additional reasons. Particularly, the Office Action alleges that Dowling discloses "...generating control signal, pattern, in which to render a complementary multi-media effect synchronously with the playback of the audio file based on the synchronizing information." *Office Action*, p. 3, ¶13 (emphasis omitted). However, this allegation directly contradicts the Office's explicit acknowledgement that Dowling does not teach or suggest obtaining the synchronization information computationally. *Office Action*, p. 3, ¶19. If, as is acknowledged in the Office Action, Dowling does not compute the synchronization information, Dowling cannot teach or suggest generating a pattern based on computed synchronizing information.

Indeed, this particular allegation mischaracterizes Dowling because a user in Dowling manually authors a sequence in which to turn lights on and off. Particularly, Dowling stores a set of predetermined "stock effects" that function as discrete building blocks for assembling a

sequence. According to Dowling, the authoring user simply selects desired effects from among the predetermined stock effects. *E.g.*, Dowling, p. 3, ¶[0037]. The effects are simply templates. Manually selecting desired stock effects from memory does not teach or suggest calculating synchronizing information for use in generating a pattern in which to render the complementary multi-media effects. Further, even if Dowling were provided with such calculated synchronizing information, the manual selection method of Dowling would render that information useless.

None of the references, alone or in combination, teaches or suggests a controller configured to "generate a pattern in which to render a complementary multi-media effect synchronously with the playback of the audio file based on the calculated synchronizing information," as claimed in claim 1. Therefore, it is respectfully submitted that claim 1 and its dependent claims are non-obvious over the cited art.

Claim 22 is directed to a method of synchronizing multi-media effects with an audio file stored in memory of a mobile communications device and recites. Claim 41 is directed to a method of synchronizing one or more complementary multi-media effects with an audio file stored in memory. Claim 57 is directed to a circuit having a microprocessor configured to "generate a pattern in which to render one or more complementary multi-media effects synchronously with the audio stream during playback of the audio stream based on the calculated synchronization information." Each of these independent claims contains language similar to that of claim 1, and as such, are not rendered obvious by the cited references for reasons similar to those stated above.

Finally, the Office Action indicates that some of the dependent claims stand rejected as being obvious over Hayashi in view of Dowling and Towell, and one or more of Vandermeijden (U.S. Pat. App. 2004/0067751), Fredlund (U.S. Pat. No. 6,639,649), Shibata (U.S. Pat. App. Pub. No. 2001/0023197), Adams (U.S. Pat. App. Pub. No. 2003/0017808), Akoi (U.S. Pat. No.

5,763,802), Fujiwara (U.S. Pat. No. 6,800,799), and Goldberg (U.S. Pat. App. No. 2007/0136769). The dependent claims, however, are patentable over the cited subject matter because their respective independent claims are patentable. Further, none of these references, alone or in combination, remedies any of Hayashi, Dowling, and Towell, alone or in combination. Therefore, the dependents claims are also allowed.

In light of the foregoing remarks, all pending claims are in condition for allowance. Therefore, Applicant respectfully requests the withdrawal of all rejections and the issuance of a Notice of Allowance.

Respectfully submitted,  
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